



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HAATAJA ET AL. Examiner: W. DEANE, JR.
Serial No.: 09/904,280 Group Art Unit: 2642
Filed: JULY 12, 2001 Docket: 2316.869USRE
Confirmation No.: 2070
Title: OPTIC CABLE EXIT TROUGH WITH BYPASS

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on SEPTEMBER 18, 2007.

By: Carla J. Catalano

Name: Carla J. Catalano

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Petition under 37 C.F.R. §1.47(a)
- ☒ Check in the amount of \$200 for Petition Fee
- ☒ Statement of Facts
- ☒ Signed Substitute Reissue Declaration (5 pages)
- ☒ Communication
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

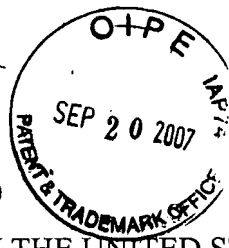
By: Karen A. Fitzsimmons

Name: Karen A. Fitzsimmons

Reg. No.: 50,470

KFitzsimmons/cjc

S/N 09/904,280



REISSUE PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: HAATAJA ET AL. Original Patent No.: 5,923,753
Original Patent Filing Date: NOVEMBER 17, 1997 Original Patent Issue Date: JULY 13, 1999
Reissue Application Filing Date: JULY 12, 2001 Attorney Docket No.: 2316.869USRE
Title: OPTIC CABLE EXIT TROUGH WITH BYPASS

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By: Carla J. Catalano
Name: Carla J. Catalano

PETITION

under 37 C.F.R. §1.47(a)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §1.47(a), Applicants Timothy Jon Haataja, Thomas Walter Kampf, and Wayne Albin Johnson, hereby request that the Substitute Reissue Declaration filed in the above-referenced application be accepted on behalf of nonsigning inventor, Gary F. Nault, last known address, 603 4th Street NW, Aitkin, MN 56431. Mr. Nault cannot be found or reached after diligent efforts, as described in the accompanying Statement of Facts. Accordingly, Applicants request that the Reissue Declaration filed herewith, including a blank signature block for Mr. Nault with his last known address listed, be treated as having been signed on behalf of Mr. Nault by the signing inventors, as provided in MPEP §409.03(a).

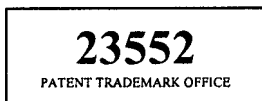
09/20/2007 MGEDEM1 00000102 09904280

01 FC:1463

200.00 OP


Enclosed is a check for \$200.00 as required under 37 C.F.R. §1.17(g) for the petition fee.

Respectfully submitted,



MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: Sept. 18, 2007


Karen A. Fitzsimmons
Reg. No. 50,470



S/N 09/904,280

REISSUE PATENT

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By: Carla J. Catalano
Name: Carla J. Catalano

STATEMENT OF FACTS
IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR
(37 C.F.R. 1.47)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the substitute declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

Identification of Person Making this Statement of Facts

Karen A. Fitzsimmons
Attorney for Patent Assignee ADC Telecommunications, Inc.
Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903

Last Known Address of the Nonsigning Inventor

Gary F. Nault, a citizen of the United States of America
603 4th Street NW
Aitkin, Minnesota 56431

Details of Efforts to Reach Nonsigning Inventor

On July 12, 2001, a request for reissue was filed with regard to U.S. Patent No. 5,923,753, including new claims added by preliminary amendment. Reissue declarations, signed by each of the four inventors, were filed along with the reissue application.

The application is proceeding through examination. In a recent phone conversation with Krista Zele of the U.S. Patent Office, Ms. Zele noted that due to amendments made to the claims during prosecution, a substitute reissue declaration is required. Applicants have accordingly herewith submitted a substitute declaration signed by three of the four inventors. The fourth inventor could not be located.

To locate the inventors, I contacted the Assignee of the reissue application to verify the last known address of the inventors. It is noted that three of the four inventors, including non-signing inventor Gary F. Nault, are no longer employed by the Assignee. A mailing package including a substitute reissue declaration and a copy of each of the amendments made during examination, was mailed to each of the four named inventors on August 13, 2007. Timothy Jon Haataja, Thomas Walter Kampf, and Wayne Albin Johnson all signed the substitute declaration stating that they are inventors of the invention claimed in the currently pending claims and that the errors upon which the reissue application is based were made without deceptive intent.

On August 22, 2007, the mailing package to Gary F. Nault was returned to me as being "Not Deliverable As Addressed, Unable to Forward." The zip code of the original mailing package appeared to contain an error; accordingly, the mailing package was resent to the above-noted last known address on August 22, 2007. A copy of the letter accompanying the second

mailing package is attached herewith. The second mailing package to Gary F. Nault was also returned to me as being "Not Deliverable As Addressed, Unable to Forward."

I searched the internet for a phone number for Gary F. Nault; no information was available.

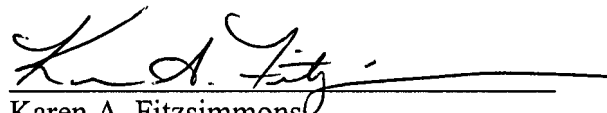
To date, I have not been able to find or reach inventor Gary F. Nault.

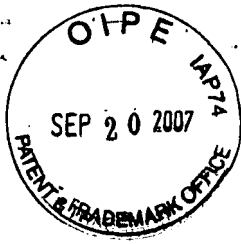


Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: Sept. 18, 2007


Karen A. Fitzsimmons
Reg. No. 50,470



Merchant & Gould

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Direct Contact

612.371.5340
kfitzsimmons@merchantgould.com

August 22, 2007

Mr. Gary Nault
603 4th Street NW
Aitkin, MN 56431

Re: **M&G 2316.869-US-RE**
Reissue Application for U.S. Patent No. 5,923,753 in the United States
OPTIC CABLE EXIT TROUGH WITH BYPASS

Dear Mr. Nault:

As you know, we represent ADC Telecommunications, Inc. in connection with the above referenced matter. In the above matter, you are listed as an inventor. The matter relates to a patent filed while you were employed by ADC Telecommunications, Inc.

You may recall that we filed a reissue patent application entitled "Optic Cable Exit Trough with Bypass" for U.S. Patent No. 5,923,753. You kindly signed a Reissue Declaration in July 2001, which we filed in the present application.

The Examiner has now indicated that the reissue claims are in condition for allowance. However, during prosecution, changes were made to the claims. Because the changes were made after the filing date of the original Reissue Declaration, we are required to file a Substitute Declaration that makes references to those changes.

Attached is a Substitute Reissue Declaration that references the claim amendments made during prosecution. ADC has asked me to contact you directly to obtain your signature on the Substitute Declaration. Please review the Declaration, sign the Declaration where indicated, and return the signed Declaration to me in the postage-paid envelope enclosed with this letter.

Minneapolis/St. Paul
Denver
Seattle
Atlanta
Washington, DC

Mr. Gary Nault
August 22, 2007
Page 2

In the Declaration (section 3.), it states that you have reviewed all amendments made in the application. I have attached a copy of all the amendments for your review. The first amendment is the amendment in which claims 5-10 were added. You previously reviewed these claims when you signed the original reissue declaration of this application. The second amendment adds claims 11-13; and the third amendment amends claims 5, 8, and 10.

Each inventor has a duty of disclosure to the Patent Office pursuant to Rule 56 (a copy of which is attached) as noted in the Declaration. If you have any prior art information not already delivered to ADC, please send it to me.

Please call me at (612) 371.5340 or Mike Ouyang at (952) 917-0577 if you have any questions. Please return the signed Declaration to me at your earliest convenience, and preferably no later than August 30, 2007.

With kind regards,
MERCHANT & GOULD P.C.



Karen A. Fitzsimmons

KAF/cjc

Enclosures: Substitute Reissue Declaration for U.S. Patent No. 5,923,753
 Copy of Preliminary Amendment
 Copy of Second Amendment
 Copy of Third Amendment
 Copy of Rule 56
 Postage-paid return envelope

cc: Richard R. Carlson, ADC Telecommunications, Inc. (w/o encls.)
 Michael Ouyang, Esq., ADC Telecommunications, Inc.(w/o encls.)
 Steven C. Bruess, Esq., Merchant & Gould P.C. (w/o encls.)



S/N 09/904,280

REISSUE PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: HAATAJA ET AL. Original Patent No.: 5,923,753
Original Patent Filing Date: NOVEMBER 17, 1997 Original Patent Issue Date: JULY 13, 1999
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By: Conla J. Catalano
Name: CAELA J. CATALANO

SUBSTITUTE REISSUE DECLARATION
FOR U.S. PATENT 5,923,753

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We, Timothy Jon Haataja, Thomas Walter Kampf, Wayne Albin Johnson, and Gary F.

Nault, declare as follows:

1. a. I, Timothy Jon Haataja, am a citizen of the United States of America,
residing at: 18935 Natchez Avenue
Prior Lake, MN 55372
which address is also my mailing address.
- b. I, Thomas Walter Kampf, am a citizen of the United States of America,
residing at: 11620 Shady Oak Road
Hopkins, MN 55343
which address is also my mailing address.

c. I, Wayne Albin Johnson, am a citizen of the United States of America,

residing at: 16280 Galena Avenue
Rosemount, MN 55068

which address is also my mailing address.

d. I, Gary F. Nault, am a citizen of the United States of America,

residing at: 603 4th Street NW
Aitkin, MN 56431

which address is also my mailing address.

2. We are the original and first inventors of the invention described in Letters Patent No. 5,923,753, granted July 13, 1999, and described and claimed in the present reissue application for which we have solicited a reissue patent.

3. We have reviewed and understand the contents of the specification and claims of this application, including new claims 5-10 added by preliminary amendment, new claims 11-13 added by subsequent amendment, and the further subsequent amendments made to claims 5, 8, and 10. We believe the above-identified patent is partially inoperative by reason of claiming less than we had the right to claim in the patent. Specifically, we believe that we are entitled to broader claims than the claims that were presented in the above-mentioned patent. More specifically, it was an error, for example, to have required the limitation of an "enlarged" central portion defined by upstanding side walls that are "spaced further apart from each other in the center portion than on each end" in claim 1, which limitation is overly narrowing and not required for patentability.

4. All errors being corrected in this reissue application by any and all amendments arose without any deceptive intention on our part.

5. We acknowledge the duty to disclose information that is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a).

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 8/20/07

Timothy Jon Haataja
Timothy Jon Haataja

Date: _____

Thomas Walter Kampf

Date: _____

Wayne Albin Johnson

Date: _____

Gary F. Nault

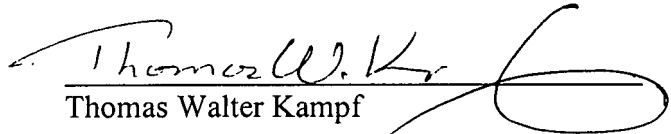
5. We acknowledge the duty to disclose information that is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a).

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: _____

Timothy Jon Haataja

Date: 8/14/07



Thomas Walter Kampf

Date: _____

Wayne Albin Johnson

Date: _____

Gary F. Nault

5. We acknowledge the duty to disclose information that is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a).

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

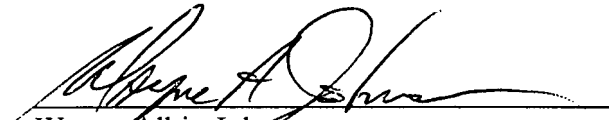
Date: _____

Timothy Jon Haataja

Date: _____

Thomas Walter Kampf

Date: SEPT 10, 2007


Wayne Albin Johnson

Date: _____

Gary F. Nault



N 09/904,280

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	HAATAJA ET AL.	Examiner:	W. DEANE, JR.
Serial No.:	09/904,280	Group Art Unit:	2642
Filed:	JULY 12, 2001	Docket No.:	2316.869USRE
Title:	OPTIC CABLE EXIT TROUGH WITH BYPASS		

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By: Carla J. Catalano
Name: CARLA J. CATALANO

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

Pursuant to request from Krista Zele on August 8, 2007, attached is a complete listing of the claims as currently pending. The Examiner is invited to contact Applicants' below-listed representative if any further questions arise.

Respectfully submitted,



MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: Sept. 18, 2007

Karen A. Fitzsimmons
Karen A. Fitzsimmons
Reg. No. 50,470
KAF:cjc

Listing of Claims

1. (Original) A cable trough comprising:
 - a bottom portion;
 - two upstanding sides extending from the bottom portion to define a cable pathway;
 - the cable trough having first and second opposed ends and a central portion disposed therebetween, the upstanding sides spaced further apart from each other in the central portion than on each end to define an enlarged central portion of the cable trough;
 - the enlarged central portion of the cable trough including a downwardly extending, central exit trough portion through the bottom portion;
 - two upstanding separator walls extending upwardly from the bottom portion, each separator wall positioned on opposite sides of the central exit trough portion, each separator wall laterally spaced from the respective sides to each define a cable bypass pathway between the first and second ends.
2. (Original) The cable trough of claim 1, further comprising at least one upwardly extending cable storage wall adjacent to the exit trough portion defining a cable storage pathway between the cable storage wall and at least one of the separator walls.
3. (Original) The cable trough of claim 1, further comprising a component support flange extending inwardly from one of the upstanding sides in a direction toward the other side, and an optical fiber cable component mounted to the component support flange.
4. (Original) A cable trough comprising:
 - a bottom portion;
 - two upstanding sides extending from the bottom portion to define a cable pathway;

the cable trough having first and second opposed ends and a central portion disposed therebetween, the upstanding sides spaced further apart from each other in the central portion than on each end to define an enlarged central portion of the cable trough;

the enlarged central portion of the cable trough including two downwardly extending side exit trough portions through the bottom portion;

two upstanding separator walls extending upwardly from the bottom portion, one separator wall positioned adjacent to each exit trough portion, each separator wall positioned on opposite sides of the bottom portion, each separator wall laterally spaced from each other to each define a central cable bypass pathway between the first and second ends.

5. (Amended) A cable trough comprising:

a cable pathway structure including a bottom portion and two upstanding sides extending from the bottom portion to define a cable pathway, the cable pathway structure further including a first open end, a second opposite open end, and a central portion disposed therebetween, the first and second opposite open ends each defining a mating U-shaped trough section configured to mate with other horizontal trough sections;

a component support flange extending from one of the upstanding sides; and
an optical fiber cable component mounted to the component support flange.

6. (New) The cable trough of claim 5 wherein the optical fiber cable component is selected from a group consisting of connectors, adapters, splitters/combiners, attenuators, splicings, switches, wave division multiplexers, and amplifiers.

7. (New) The cable trough of claim 5 wherein the component support flange extends inwardly from one of the upstanding sides in a direction toward the other side.

8. (Amended) A cable trough comprising:

a cable pathway structure including a bottom portion and two upstanding sides extending from the bottom portion to define a cable pathway, the cable pathway structure including a first open end, a second opposite open end, and a central portion disposed

therebetween, the first and second opposite open ends each defining a mating U-shaped trough section configured to mate with other horizontal trough sections; and

component support means positioned within the cable pathway for holding an optical fiber component.

9. (New) The cable trough of claim 8 wherein the component support means holds an optical fiber cable component selected from a group consisting of connectors, adapters, splitters/combiners, attenuators, splicings, switches, wave division multiplexers, and amplifiers.

10. (Amended) A cable trough comprising:

a cable pathway structure including a bottom portion and upstanding sides extending from the bottom portion to define a cable pathway, the cable pathway structure including a first open end, a second open end, and a central portion disposed therebetween, the first and second open ends each defining a mating U-shaped trough section configured to mate with other horizontal trough sections;

a component support holder positioned in the cable pathway and extending transversely to the cable pathway; and

a plurality of cable components mounted to the component support holder, wherein the cable components are selected from a group consisting of connectors, adapters, splitters/combiners, attenuators, splicings, switches, wave division multiplexers, and amplifiers, the cable components defining an array extending transversely to the cable pathway.

11. (New) The cable trough of claim 5, wherein the optical fiber cable component is located within the cable pathway.

12. (New) The cable trough of claim 8, wherein the component support means is positioned for holding an optical fiber component at a location within the cable pathway.

13. (New) The cable trough of claim 10, wherein the plurality of cable components mounted to the component support holder are located within the cable pathway.